

Meeting of 1999-9-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 14, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:15 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

Gary Salva, Parks & Recreation Director, offered an invitation to attend the International Festival scheduled for September 24, 25 and 26 at the Library Plaza. Festival participants entered at this time in native dress and presented individual invitations. Smith said he appreciated the enthusiasm that Salva has brought to the Parks & Recreation Department.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 24, 1999.

MOVED by Smith, SECOND by Haywood, for approval of the Minutes. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: No one appeared to speak.

ADDENDUM ITEM 1: Consider approval of filing of release of liens for the following properties which were demolished by the owners following Council action to condemn: 1601 SW Jefferson, 208 NW Bell Avenue and 703-1/2 SW H Avenue. Exhibits: Memorandum from Code Administration.

Vincent said these items would normally appear on the consent agenda but it became necessary to release the liens for demolition of these properties at this time; the properties were cleared by the owners and he requested approval of the releases of liens.

MOVED by Shanklin, SECOND by Haywood, for approval of the lien releases. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

SECOND ADDENDUM ITEM 1: Consider waiving Landfill fees for removal of debris as a result of the May 31, 1999 wind storm in the Pecan Valley area to be accomplished by the National Resources Conservation Service. Exhibits: Request from Comanche County Board of Commissioners.

Baker said a request was received from Comanche County Commissioners to waive landfill fees to support a project through the National Resources Conservation Service; the project consists of policing litter that remains from the May 31 storm. Much of the litter is in the county; the other portion is in the city. The Commissioners asked the City to waive landfill fees which would provide the match for this project. The community has the opportunity to get approximately \$200,000 worth of work. He said the debris is primarily in open areas and fields, and one reason the National Resources Conservation Service is involved is because the debris represents a hazard to the water table and also to animals, so it may be something that may not be readily apparent as you look around but it is there and represents a hazard.

Baker said staff reviewed the alternatives presented by the Commissioners and Mr. Buchwald is present to speak. He said he did not recommend waiving all of the landfill fees, but recommended waiving an amount which would be half of the match, which would be alternative four, in the amount of \$23,740. Baker said the City waived considerable fees after the storm initially occurred and we are putting a lot of cubic yards in the landfill for which we have not gotten any revenue so there is some concern about this. He said it is a good project but he did not feel the City should pay the entire match.

Larry Buchwald, County Commissioner, said this program is similar to the secondary clean up that took place in Oklahoma City with this program following the initial clean up. He said the Natural Resources Conservation Service approached him in regard to being a local government sponsor to initiate this program and that he accepted but from the inception said he would sponsor and participate as much as possible but that he could not afford to pay the 25% landfill in kind service. Buchwald said he made application through the Emergency Management Agency in Oklahoma City for financial help in cleaning up the Pecan Valley area, and that two requests were made and both were turned down. He said he would be facing road and bridge repairs in that area also once the houses have been removed. Buchwald said he visited with Mr. Shaw and Mr. Baker and was requesting that on the 25% in kind service, that the County's portion would be waived.

MOVED by Shanklin, SECOND by Williams, to accept staff's recommendation to approve alternative four.

Agenda item shows Alternative Four to be as follows: "The City's portion of the area to be cleaned up represents approximately 57% of the total area (1,157 acres divided by 2,037 acres = 57%). Staff recommends the City to waive up \$23,740 ($\$41,650 \times 57\% = \$23,740$). NRCS will pay \$124,950 and the County will pay \$17,910."

Baker said for clarification, if Council approves this option, we will need to meet with the National Resources Service to determine if we can work out a project just for the City for this amount of match. He said about 57% of the area in question is in the City limits.

Mayor Powell said he appreciated those who were making this possible. Buchwald said he did not object to the City participating even if he was not able to participate. Mayor Powell said this was done in the Oklahoma City area due to problems with livestock being around insulation and the water problems, so this is a great project.

Shanklin asked if Buchwald said the County applied for the grant that Mr. Atkins spoke of at a previous meeting. Mayor Powell said the City received its grant but the County did not. Buchwald said he made application and was turned down on the initial request; a second re-examination was requested at the State level and it was refused, and he received notice of that yesterday. Shanklin asked if the City received its request. Baker said he had heard verbally that the City's request was approved but we have not received anything official. Shanklin asked the amount and Baker said \$100,000.

VOTE ON MOTION: AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance changing the zoning from A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located at approximately 3602 NE Cache Road. Exhibits: Ordinance No. 99-30; Location Map; Application; LMAPC Minutes; Petition with Map.

Bob Bigham, City Planner, said the request is for an 80 acre tract and the location was pointed out on a view graph map. The applicant is Keegan Ledford and property owners are Ralph and Virginia Wertz. Rezoning request is for single family development and a construction plat has been received for a 68 lot development. The LMAPC held a public hearing on August 11 and no one appeared to speak at that meeting; LMAPC voted five to zero to approve the request.

Bigham said on September 8 the City Clerk's Office received a protest petition signed by eight residents in the Heritage Hills Part 1 area. The protest petition will not require an additional vote of the Council. Staff recommendation is for approval of the request.

PUBLIC HEARING OPENED.

William Seymour, 1907 NE 35th Street, said he was a resident of Heritage Hills. He said their concerns are the drainage problems they are already encountering, and they have a very bad drainage problem. Seymour said if development occurs with dirt being moved around, the drainage problems may be worse. He said another concern is the entry way, the north and south entry ways go through Heritage Hills and there is only one way in and one way out. Seymour said property is being developed to the west on land owned by Mr. Cox, and there is still only one way in and one way out, causing concern about access for the Fire Department if something should happen.

Seymour said they did not know if the development would be five acre tracts or if it would be single lots and that they had a lot of questions. He said there are only nine houses on 35th Street so far, but development is occurring to the west, and the drainage and access were concerns.

Keegan Ledford said he was trying to develop the area and could answer some of the concerns. He said the development will contain lots 65 x 120 minimum footage, maximum are 85 x 120, although a couple would be a little larger. Houses will range from \$90,000 to \$150,000 in value. Ledford said he lived in Kingsbriar and felt it was the best neighborhood in town,

and that he wanted to keep it that way and would follow the trend from Kingsbriar Part 3 right into Kingsbriar Part 4. He said you can come into Kingsbriar from two different entrances and you do not even really go through Heritage Hills, so that concern is not founded.

Ledford said as far as the drainage, any time you build a development, the City staff goes over every bit of it and if there is more drainage or it is not like it is supposed to be, they will not allow that and everything has to go through the City Codes and staff, so if there is anything that would come up as far as drainage onto someone else, he could not do it because he would be liable and did not want to cause trouble, and the City will not allow you to do it either. He said he wanted to put in a nice development with concrete streets and in compliance with laws. Ledford said he appreciated the City's work in getting improvements made on Flower Mound Road.

PUBLIC HEARING CLOSED.

Purcell said we no longer have any kind of drainage ordinance and asked if this would be a problem and if Ledford's comments were correct that staff would be checking to make sure something is in place to insure the drainage and flooding problem will not be worse since we did away with outside detention. Bigam said it was his understanding that the initial submission of the construction plans contained a detention facility on the northeast corner of the platted area and once Council deleted that requirement, the plat was revised. Bigam said the drainage regulations are still in place as far as the surface runoff water with regard to subdivisions. Purcell said there is no longer a detention pond that was originally there. Ledford said that is correct but the City Code still states you cannot dump your water into anything greater than or cause flooding on anybody.

Beller asked if there was a detention pond in the northeast corner. Bigam said it was deleted. Beller asked if the drainage was from the south to the north. Bigam asked if that was the correct corner and response from either Ledford or his engineer was the northwest corner. Bigam said the drainage channels would have to be designed correctly to handle the runoff and technical review of the construction plat has not yet been done. Beller asked if there would be some requirement and Bigam said definitely. Beller asked if that was required with the existing ordinances and Bigam said yes.

Purcell said there are major problems now in Heritage, and as it expanded, more and more water came across all of the streets in Heritage down into the wide, concrete ditch that runs out to Flower Mound Road and it backs up. He asked if any of this water would go that way. Bigam said some of the drainage area from this land runs through the drainage facility that runs through Heritage behind the houses. Purcell asked how Ledford would be able to meet the regulations in place since that is overflowing now, and if more is added, it would get worse. Bigam said that is a legitimate concern and he could not address the technical issues at this time. Bigam said the action tonight deals with the land use issue as to whether this is a suitable site for single family development; the next phase will be the construction plat process which is being reviewed by staff at this time and will be placed on the LMAPC agenda as soon as it has been reviewed. Bigam said the construction plat will be presented to Council for review and approval and information can be provided to Council as soon as answers are determined.

Purcell said he was concerned about the problems that exist now and that something was to be done between Council and staff to take the place of the drainage ordinance and it is still not in place. He said he agreed the R-1 zoning is appropriate, but before construction begins, something needs to be addressed to prevent major flooding in Heritage over and above what is there now. Ledford disagreed that flooding takes place in Heritage and said it would be the same drainage area. Mr. Seymour said they already have flooding and if there is more, the residents will not have any back yards left. Mayor Powell said if the area floods now it may show that something was not working in the past anyway.

MOVED by Purcell, SECOND by Beller, to approve the rezoning from A-1 to R-1 and adopt Ordinance No. 99-30, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 99-30

An ordinance changing the zoning classification of the tract of land which is hereinafter more particularly described in Section One (1) hereof from the existing classification of A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

2. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Residential-Single Family & Duplex and Commercial & Office to Public/Quasi-Public and an ordinance changing the zoning from A-2 (Suburban District), F (Floodplain District), R-1 (Single-Family Dwelling District), and C-3 (Planned Community Shopping Center District) to P-F (Public Facilities District) zoning classification located at approximately 4500 SW Lee Boulevard. Exhibits: Resolution No. 99-112; Ordinance No. 99-31; Location Map; Applications; LMAPC Minutes.

Bigam said this is a 98.2 acre tract; applicant is Great Plains Area Vo Tech School. Location on the property was pointed out on a view graph map. LMAPC held a public hearing on August 11 and indicated the applicant had demonstrated the need to amend the Land Use Plan and voted to adopt a resolution in that regard and to recommend approval of the rezoning. One person appeared to speak in favor of the request and one person appeared to speak against the request

during the LMAPC hearing. LMAPC vote was six to zero to approve. Actions before Council are to adopt a resolution amending the Land Use Plan and to adopt an ordinance concerning the zoning.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Haywood, for approval of Resolution No. 99-112 to change the Land Use Plan from Residential-Single Family & Duplex and Commercial & Office to Public/Quasi-Public located at 4500 SW Lee Boulevard. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-112

A resolution approving an amendment to the 2020 Land Use Plan for the City of Lawton from Residential-Single Family & Duplex and Commercial & Office to Public/Quasi-Public located at approximately 4500 SW Lee Boulevard.

MOVED by Beller, SECOND by Purcell, for approval of Ordinance No. 99-31, waiving the reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 99-31

An ordinance changing the zoning classification from the existing classification of A-2 (Suburban District); F (Floodplain District); R-1 (Single-Family Dwelling District); and C-3 (Planned Community Shopping Center District) to P-F (Public Facilities District) zoning classification on the tracts of land which are hereinafter more particularly described in Sections One (1), Two (2), Three (3), and Four (4) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

3. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Commercial and Office and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification located at 733 NW 67th Street. Exhibits: Resolution No. 99-113; Ordinance No. 99-32; Location Map; Applications; Site Plan; LMAPC Minutes.

Bigham said this is a .4 acre tract and the location was pointed out on the view graph map. The owner of the property is the Congregation of the Jehovah's Witnesses, Inc. and the applicant is Dr. Paul Hou; intended use is a chiropractic clinic. LMAPC, on August 11, held a public hearing on the amendment to the Land Use Plan and felt the applicant had demonstrated the need to amend the plan and recommended approval to Council. LMAPC also recommended approval of the rezoning action by a six to zero vote.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Warren, SECOND by Beller, to approve Resolution No. 99-113 amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Commercial and Office located at 733 NW 67th Street. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-113

A resolution approving an amendment to the 2020 Land Use Plan for the City of Lawton from Residential-Single Family and Duplex to Commercial and Office located at 733 NW 67th Street.

MOVED by Warren, SECOND by Smith, to approve Ordinance No. 99-32 changing the zoning from R-1 Single Family Dwelling District to P-O, Professional and Office District zoning classification located at 733 NW 67th Street, waive the reading.

(Title read by Clerk) Ordinance No. 99-32

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

4. Hold a public hearing and consider an ordinance closing the platted alley and reserving a utility easement in Block 7, Original Townsite, located between 6th and 7th Streets and Gore Boulevard and A Avenue. Exhibits: 300' Notification Map; Ordinance No. 99-33.

Bigham said Council set the public hearing date and notices were sent to owners within 300 feet and the utility companies. The purpose of this request is to close the alley to alleviate the danger to school children crossing the alley between the St. Mary's School building and the playground, which was noted as a deficiency in a recent accreditation process for the

school. The church does not plan to petition District Court for vacation and utilities should not be impacted by the closure. Bigham said since the agenda packet was prepared, letters were received from Reliant Gas, PSO, and Lawton Cablevision stating they have no objection to the proposed closure. Staff recommends approval of the request.

Beller said the church owns the entire block. Bigham agreed and said the request is consistent with Council Policy 5-1.

PUBLIC HEARING OPENED.

Frank Robinson, 3148 NW Cache Road, Apartment 230, said he is a member of the St. Mary's School Board and was also representing Pastor James Stafford. He said the fact that they have two school buildings separated by an alley causes great concern to the School Board, and an affirmative vote on this action would resolve the problem. Robinson asked that the School Board members present to stand and be recognized and this was done. He said favorable consideration of this item would eliminate this safety hazard.

Anna Francis, 17 Sandy Trail Lane, Pecan Valley South, said as Principal at St. Mary's Catholic School she was present to offer support for the ordinance requested in Item 4. She said this issue is very important to the safety and security of the students, who are in Pre-K through 6th Grade, so some of the students are quite young. Francis said an open alley allows for motor vehicle access across the campus which creates a potentially dangerous situation, and approval to close the alley will allow the school to offer a higher standard of care for the students. She asked that the item be approved.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Haywood, to pass Ordinance No. 99-33 closing the platted alley in Block 7, Original Townsite, located between 6th and 7th Street and Gore Boulevard and A Avenue, and reserving the platted alley as a utility easement for current and future utilities and declaring an emergency.

Baker asked for clarification from the City Attorney; if Council closes the alley, who will be responsible for maintenance of the surface. Vincent said the paving would become the responsibility of the church and they can remove it if they want to, but the alley itself, the boundary is still the City's for easement purposes only.

(Title read by Clerk) Ordinance No. 99-33

An ordinance closing the platted alley in Block 7, Original Townsite, located between 6th and 7th Streets and Gore Boulevard and A Avenue; and reserving the platted utility easement for current and future utilities.

It was noted that the agenda was published without a provision for an emergency clause in the ordinance, therefore, the emergency clause was removed. Beller said the result would be that the ordinance would not take effect for 30 days. Shanklin said they requested the emergency and thought it was done but someone on the staff erred in not including it. Vincent said it could be returned in two weeks with the emergency clause being advertised. Shanklin asked Robinson if they would prefer that. Robinson said they would not object to the 30 days and they would take action for people to know of the closure.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

5. Consider establishing a City Council Committee to work with the County Commissioners on the county jail issue and take appropriate action. Exhibits: None.

Purcell said he asked that the item be put on the agenda and that he had talked with a couple of County Commissioners who are now starting to move on the jail. He said we have a committee that we asked the Mayor to appoint that consists of one Council member and two staff members, the City Manager and Police Chief. Purcell said it is hard for them to negotiate with County Commissioners. He said he had talked with the Mayor about this. Purcell suggested appointing three Council members to a committee to negotiate with the County Commissioners; the first item may be how many beds the City would need. Purcell said the City Manager and Police Chief obviously have to be at the meetings, as well as the Sheriff. He said the City elected officials should sit down with the County elected officials and figure out how we will participate in the jail because twice previously Council had agreed to participate.

Shanklin said the Council voted five to three not to support that sales tax. Purcell said the issue passed and Council then voted twice to support the City County Jail. Shanklin asked if three Council members would know more about how many beds the City needs than anyone else. Purcell said no, the City Manager and Police Chief would know that, but it is not fair for them to sit over there and somewhat partially commit to whatever is agreed to in the way of money, funding or staffing and then all they can do is bring it back to the Council. Purcell said he was suggesting three Council members negotiate with the County Commissioners; every meeting has to be attended by the City Manager or his representative and the Police Chief to provide that input.

Haywood asked if the jail would be located on Bishop Road or downtown. Purcell said he did not know and that was not the negotiation or the issue; it is how many beds we need, what the City will do, how much money will the City contribute, how many people will the City contribute. Purcell said he did not think the location was negotiable between the City and the County.

Shanklin asked if there was a limit to the land use in the 100 year contract with the Chamber of Commerce. Vincent said the original contract was passed in 1967 between the City and the Lawton Industrial Trust, and that trust failed in 1976 and the successor to that was the Lawton Chamber of Commerce and we are still researching the documents to determine the status. Shanklin said that was implied in the County's resolution and that is the reason they still want to put a jail out there at the bottom of the world on Bishop Road, and that he had never been for that and still wanted to solidify central and downtown. Shanklin said if the document shows a limit to the land use, that would disqualify being able to put the jail out there. Vincent said he would research that point.

Shanklin said the Mayor attended the last meeting because he was out of town and asked what came out of that meeting. Mayor Powell said the discussion was about how many beds they would build without the City being a party to it, and how many would be built if the City were a party to it, and he thought it was 200 beds without the City and 250 with the City. He said the Police Chief was there and talked about how many average daily prisoners we had in the City Jail. Mayor Powell said his question was when the County accepts the prisoners and when the City can release the prisoners to the County, and he was told that as soon as the City's police officer pulls up there and they book the person in, then the City's obligation to that prisoner is released at that time and the police officer can return to the street.

Mayor Powell said another point of discussion was that the new facility would have a medical person on staff to be there 24 hours a day in case someone needed medical attention, it could be provided on site versus transporting that person to a hospital. Baker said the location was also discussed and there was still some question as to whether the County was committed to the Haggard Slack location because of the way the ballot was worded and they were seeking advice from their bond counsel on whether or not they had to build the jail at that site and they are still trying to get that resolved, and of course the City is very interested in the location and that question will have to be answered.

Shanklin asked if they had to have an 8 hour tank, a 24 hour tank and an extended time tank. Mayor Powell said that was not discussed in the meeting he attended. Baker said the only discussion he remembered relating to that was that they were looking at a drop off point, maybe at the current county courthouse so officers would not have to travel to the south part of town and take up that time, and that is an option.

Shanklin said he would be glad to relinquish his spot on that committee and the Mayor could appoint Purcell. He said he did not think there was a need for two groups and that the Commissioners were not really that interested in the City's input; the issue passed and the County has \$27 million and they will put the jail about where they want it to be unless the contract contains language regarding land use for the site on Bishop Road.

Haywood said he wanted the jail but did not want it in his area. He said this would be the third such facility in Ward 7 and residents are present to speak in that regard. Beller said this has nothing to do with the location.

Purcell said the location of the jail was not the City's prerogative. He said at some point an agreement will have to be written if the City is going to participate, and Council has said twice that the City will participate regardless of the location. Purcell said replacing Shanklin was not the issue but he wanted three Council members to meet with the three County Commissioners to write the agreement, or ask the attorneys for each group to prepare it from some guidance, but the staff should not have to go and say they will take it back and see if the Council wanted to consider it. Purcell said the staff has to be there and provide input but the elected members of the City need to meet with the elected members of the County and that is all this is about.

Shanklin asked why we were not doing the negotiations on the water park instead of staff, and said if that would have been the case, there would not have been any negotiations, and this is the same thing. Purcell said the water park is not governed by three elected officials. Shanklin said it is still a negotiation.

Beller said the Council minutes from September 1, 1998, contain a motion and second to accept the concept of the City and County getting together, have the County run the jail and the City provide, obviously negotiated, but at least to start off with the \$361,000 the first year and it gets renegotiated every year, but we made that commitment and there is not a single no vote shown. Beller said we have made the commitment to do this and Purcell is trying to prevent commitments from being made as was done where the Chamber of Commerce went out and said we will do this and this and this as far as the streets and other things, and Purcell is trying to say that if there are at least three Council members present, they in essence have a pretty good block to speak for the City and it is a logical thing to do. Shanklin said to go ahead and put those three on. Beller said he had no intention of serving and if appointed he would reject.

Warren said the elected City and County officials seem to get cross ways with each other and it may be because the groups only hear about scattered discussions through the media where the total information is not passed along. He said it would not benefit anyone for staff to work on an agreement and bring it back to Council and be told no then have to go back and come back again; we should do this and get it over with instead of dragging it out and having confusion.

Purcell said he would like to be on the committee and if two others would raise their hands he would make a motion and give those three names.

MOVED by Purcell, SECOND by Beller, that Smith, Williams and himself (Purcell) serve on this committee. AYE: Warren, Smith, Williams, Devine, Purcell, Beller. NAY: Shanklin, Haywood. MOTION CARRIED.

Shanklin asked what happens when these three distinguished colleagues come back with something the Council does not

like and it is turned down, then who goes back and starts negotiating again. Purcell said the same three would do it, the same way you would do any kind of negotiation.

Shanklin asked why the motion did not include dissolving the Mayor's committee that is in place now. Purcell said he guessed all six people could go but two members of the Mayor's committee are still going to be there because it is the City Manager and the Police Chief.

Mayor Powell said residents are present to speak regarding the jail issue. Beller asked if residents wished to discuss location of the jail. Mayor Powell said he did not know but Council always listens when people ask to be heard. Beller said he did not mind listening but Council cannot determine where the jail will be located. Mayor Powell said it was his understanding that Council could not determine the jail location and Ms. Steele said the group wanted to have some input.

Mrs. Corrie L. Steele, 647 Arbuckle, said the people with her tonight are all voters and taxpayers and they are asking that Council, in its decisions, not have the jail on Bishop Road because most of them have lived in Ranch Oaks for 30 years or more. She said they are all older people and they do not want to relocate. Steele said the Regency Apartments have small children and it would be dangerous for those children to have a jail that close because you read about people abducting children every day; there is a highway nearby. She said they knew people did things under cover and things that are wrong but the Bible says what you sow, you will reap, and not one Council member would like to have this jail in their back yard.

Steele said the value of their property is not what it should be at this point in time and if the jail goes there, they would have nothing. She asked for the Council's support and said she realized members said they could not decide on the location but it has been in the papers and everywhere that this is an idea in someone's mind and they were present due to that concern. Steele said they were concerned for the children, as well as the women in the area who could be attacked, and asked that their area be given some consideration.

6. Consider appropriating 1995 Sales Tax Capital Improvement Funds to the Wolf Creek Drainage Channel Project. Exhibits: 1995 Capital Improvement Program Report.

Jerry Ihler, Public Works Director, said in April 1999 the Council received a presentation from the Army Corps of Engineers on different alternatives for making improvements on the flooding problem in the Meadowbrook area. At that meeting an alternative was selected and approved for the Corps to move forward and complete the feasibility study and begin design of the project. The City originally appropriated \$1.5 million, and \$150,000 of that was spent on the feasibility study. The selected alternative has an estimated cost of \$1.7 million, and there was \$1.35 million remaining in the project account and staff indicated in April that an item would be returned at a later date to request appropriation of funds from the 1995 CIP to bring the amount up to the \$1.7 million for the project. He said this item follows through with requesting that those unappropriated funds from the 1995 CIP be appropriated to this project to do the alternative chosen at the April meeting.

Shanklin asked if the City was funding this 100%. Ihler said due to the high right of way acquisition costs, it will be a 50-50 cost share with the federal government funding \$1.7 million and the City funding \$1.7 million. Shanklin asked Ihler if he really felt this would do any good. Ihler said yes. Shanklin asked if this would widen the Meadowbrook bridge. Ihler said this alternative did not include widening the Meadowbrook bridge; this alternative includes the channel improvements starting south of Cache Road coming down to 51st Street and will include a new bridge at Liberty and 51st but then the project stops at that location and nothing is done until you get to the south side of Meadowbrook Drive and then go south for approximately 300 feet. Shanklin asked if Ihler did not agree with him that the bridge is too small to carry the water. Ihler said he did not say that and he felt it would be a benefit to replace the bridge at Meadowbrook Drive and that was included in one of the alternatives but that was not the alternative that was chosen. Shanklin said he understood that but it was very expensive. Shanklin said he thought we could put in two more boxes and leave the bridge at the same level and alleviate some of the flooding to the north. Shanklin said if you stand on the south side and look back up and watch the water fall, it falls 14 to 18 inches as it comes through Meadowbrook bridge as it widens out. Shanklin said the City will have more money in this project than if it would have bought out eight or nine houses. Ihler said this particular project includes buying those eight or nine houses.

Purcell said the estimate of unappropriated funds is \$675,550 and asked if the \$400,000 is coming out of that. Ihler said yes, so the remainder would be \$275,550. Purcell said the original amount is shown at \$1.5 million and asked if that number would change to \$1.9 million. Ihler said no, it would be \$1,750,000 because \$150,000 has already been spent. Baker said the total appropriated for the Middle Branch of Wolf Creek would be \$1.9 million with \$150,000 already spent.

Baker said if Council approves this item, the money will not be spent at this time but it will be earmarked for this particular project. He said Council approved the project previously so it is important to get the money designated for this project so the funds would be available when it is time to award a construction contract.

MOVED by Devine, SECOND by Smith, to approve the appropriation of funds so we can get started and move forward on this project. AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

Mayor Powell asked if it was the Council's desire that the original committee on the jail be gone. Shanklin said we could not compete with them. Purcell said he did not think both were needed, although that was not his idea in bringing it up. Beller said when he seconded the motion he assumed we would keep the committee we had and asked if they could not work with a couple of more folks. Further discussion was held and Mayor Powell said until he was told differently he would

proceed with the original committee remaining in effect.

7. Consider entering into preliminary negotiations for a lease and/or management agreement for the operation of a water park, formerly known as the Native Sun Water Park. Exhibits: Preliminary Expenditure/Revenue Report; Financial Summary from Previous Tenant; Water Park Comparisons.

Shanklin said when this first came about we gave staff the authority to send in a paper saying we are interested in it and the next thing he read in the paper was that it would cost \$500,000. He said he allayed a lot of fears that we were not going to spend \$500,000 tax dollars on the water park that probably should never have been built to begin with due to the cost, and kids being charged \$12, \$15 or \$20 per day to go in. Shanklin said he allayed those fears and then it came out again, and we went through this process again, and again just this past week. He said we are trying to tell the people that we need funds for these projects that we are going to promote on the CIP and ad valorem and there is no room for that in this project.

MOVED by Shanklin, SECOND by Haywood, that we table this indefinitely until the BIA asks us how they will help fund it to where it will be no cost to any of the Lawton taxpayers to try to bring that thing back up one more time, it's been tried three times. AYE: Shanklin, Haywood, Smith. NAY: Williams, Devine, Purcell, Beller, Warren. MOTION FAILED.

Beller said he did not want to see the City invest two cents in the Native Sun Water Park but would like to see if we could pursue it on a management type agreement or something of that nature without the investment of funds. He said he felt Salva had tried to get the information that is needed but it hit at the wrong time and it is not palatable to the people of Lawton to think we will spend half a million dollars or maybe more to invest in the upgrading or repair of the facility. Beller said if we could pursue it without an investment, he saw no reason why that could not be entertained. He said he personally would not vote to spend two cents of the citizens of Lawton's money to operate the Native Sun Water Park.

Smith said he agreed with Beller and Shanklin; we have probably the most pressing priority identified by our citizens as the mass transportation system and no where did they say we need a water park. He said if we can get this at zero cost with no liability to the City, he could support it but that was the only way he could support it.

Devine said he shared Smith's sentiments in this regard and agreed the City did not need to spend any money on this. He said we should entertain the idea if there is some way we can get it without it costing the City any money, he could not see anything wrong with that. Devine said this could be similar to the shopping center which Council voted down without even looking into it to see the options or opportunities. He said he agreed we did not need to spend any money on the water park and that we had too many other things to do but we also need to look at the options and maybe see if some income could be generated if it did not cost anything.

Purcell said he also agreed with the comments and did not feel we should spend one penny of our taxpayers' dollars to go into that but this is just to keep pursuing it and see if we can come to a management agreement. He said even if we broke even, it would give the kids in this community a place to go as long as it did not cost the taxpayers any money, let the BIA bring it up to speed, and before he even agreed to the management part he wanted something in that agreement that there would be a waiver of sovereign immunity or he would not agree to even do it on a management basis without that. Smith said the waiver of sovereign immunity is not worth the paper it is written on.

Warren said it would be apparent that staff would know the feelings of Council from this discussion and if we go forward with negotiations, staff would not come back and say we need to invest \$500,000 because they know Council will not do that. He said the only way to find out if we can do this without a cost is if we negotiate with them and it does not cost anything to negotiate.

MOVED by Beller, SECOND by Purcell, to authorize staff to enter into preliminary negotiations with the Bureau of Indian Affairs for the operation and/or management of the Native Sun Water Park without any investment of any kind of the City of Lawton and to pursue it on that basis. AYE: Devine, Purcell, Beller, Warren, Williams. NAY: Shanklin, Haywood, Smith. MOTION CARRIED.

Shanklin said he would like to have a negotiating team from the Council on this and asked if that could be done now; three Council members need to negotiate and he did not want staff to negotiate and did not think they could get the job done. Vincent said it would have to come back on the agenda.

CONSENT AGENDA:

ITEM 8 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

9. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Stanley and Juanita Czernecki; Mitchell and Tammi Driever; Gerald and Virginia M. Leonhart; Michael and Janis A. Silva; Frank and Natalie S. Stolz; and David and Jacqueline Yarbrough. Exhibits: Legal Opinions/Recommendations. (Five resolutions on file in City Clerk's Office) Action: Approval of claims and resolutions. Yarbrough - \$397.14

(Title only) Resolution No. 99-114

A resolution authorizing and directing the City Attorney to assist Stanley and Juanita Czernecki in filing a friendly suit in

the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Hundred Sixty Dollars and 13 Cents (\$460.13).

(Title only) Resolution No. 99-115

A resolution authorizing and directing the City Attorney to assist George F. and Patsy L. Driever in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand One Hundred Twenty-Three Dollars and No Cents (\$1,123.00).

(Title only) Resolution No. 99-116

A resolution authorizing and directing the City Attorney to assist Gerald and Virginia M. Leonhart in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Four Hundred Ninety-Nine Dollars and 95 Cents (\$499.95).

(Title only) Resolution No. 99-117

A resolution authorizing and directing the City Attorney to assist Michael and Janis A. Silva in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Three Hundred Ninety Dollars and 37 Cents (\$1,390.37).

(Title only) Resolution No. 99-118

A resolution authorizing and directing the City Attorney to assist Frank and Natalie S. Stolz in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Twenty-Seven Dollars and 34 Cents (\$1,027.34).

10. Consider a request for the installation of a traffic control device at the specified location. Exhibits: Excerpt from 8/19/99 draft Traffic Commission Minutes. Action: Denial of request to install a No Turn sign for eastbound Cache Road traffic at NW Oak Avenue.

11. Consider a resolution authorizing the installation of traffic control devices at the specified locations. Exhibits: Resolution No. 99-119.

(Title only) Resolution No. 99-119

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Locations: Install "One Way" sign in the median at 5002 NW Cache Road for eastbound traffic; Install "Children at Play" signage along the 100 block of NW 14th Street; Install "Stop" sign at intersection of NW 47th Street and Wolf Creek Drive.

ITEM 12 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

13. Consider approving Amendment No. 1 to the Agreement for Cost Sharing on Construction of Water Line with the City of Geronimo. Exhibits: Letter of Request; Amendment No. 1. Action: Approval of item extending time period to bid the water line project until January 14, 2000.

ITEM 14 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

15. Consider entering into a pipe bursting license agreement for the Public Works Sewer Construction/Rehabilitation Division, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement. Action: Approval of item.

ITEM 16 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

17. Consider authorizing the Mayor to execute an agreement between the United States Environmental Protection Agency and the City of Lawton for the McMahon Park Improvements Project Phase II. Exhibits: Location Map; McMahon Park Improvements Program (Wetlands Program) Assistance Agreement No. CD-986232-01-0. Action: Approval of item.

ITEM 18 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

19. Consider entering into a contract with Mrs. Karen Bailey for fire protection outside the Lawton city limits, and authorize the Mayor and City Clerk to execute the contract. Action: Approval of item.

20. Consider accepting a Permanent Easement in Lot 42, Block 3, Country Club Heights, from Michael and Kimberly Minter and authorize the Mayor and City Clerk to sign the document. Exhibits: None. (Easement on file in City Clerk's Office) Action: Approval of item.

21. Consider accepting a Quit Claim Deed from the Lawton Urban Renewal Authority (LURA) for a portion of Wonderland Park located in Block 5, Woodhouse Subdivision. Exhibits: Quit Claim Deed; Location Map. Action: Approval of item.

22. Consider awarding a construction contract to R & D Painting for the Lake Lawtonka Catwalk Painting Project #99-19. Exhibits: Location Map. Action: Award a construction contract to R & D Painting for the Lake Lawtonka Catwalk Painting Project #99-19 in the amount of \$28,987.00.

23. Consider awarding a construction contract for the Lake Ellsworth Pump Station Motor Control Replacement Project 99-9 to SW Electric in the amount of \$39,305.20. Exhibits: Bid Tabulation of August 17, 1999. Action: Approval of item.
24. Consider accepting Country Club Drive/Barclay Road Waterline Replacement Project 99-4 as constructed by Davenport Backhoe Service and placing the maintenance bond into effect. Exhibits: Location Map. Action: Approval of item.
25. Consider accepting Fire Stations Exhaust Ventilation Systems Project 99-2 as constructed by Air Cleaning Technologies, Inc. and placing the maintenance bond into effect. Exhibits: Location Map. Action: Approval of item.
26. Consider accepting General Facilities Part 2 Project 97-13 (Patterson Center) as constructed by R.C.J. Construction, Inc. and placing the maintenance bond into effect. Exhibits: Map. Action: Approval of item.
27. Consider accepting General Facilities Phase II Project 97-13 (Town Hall) as constructed by Boyles and Associates, Inc. and placing the maintenance bond into effect. Exhibits: None. Action: Approval of item.
28. Ratify the action of the Lawton Water Authority in approving a contract with John Kennedy, Steve Aust and Dallas Howard to determine the structural value of the leaseholder improvements at Robinson's Landing and Ralph's Resort. Exhibits: None. Action: Ratify Water Authority action.
29. Ratify the action of the Lawton Water Authority to extend Ed Hilliary, Jr.'s hay baling lease for Tracts 1 and 4, Lake Lawtonka, for both growing years 1999 and 2000. Exhibits: None. Action: Ratify Water Authority action.
30. Consider awarding contract for Copier Contract. Exhibits: Recommendation; Abstract. Action: Award contract to High Tech Office Systems, Lawton, OK.
31. Consider awarding contract for 4800 Total Station RTK. Exhibits. Action: Award contract to Western Data Systems, Carrollton, TX (Items 1, 2 and 3).
32. Consider awarding contract for Rod Turning Machine. Exhibits. Action: Award contract to Shamrock Pipe Tools, Inc., Baton Rouge, LA.
33. Consider approving the following contract extensions: A) Sludge Lagoon Cleaning with Jennings Construction, Inc.; B) Saw Blades with Fitch Industrial & Welding Supply; C) Pole & Pad Mount Traffic Controller with Traffic Signal, Inc.; D) Cellular Telephone Service with U.S. Cellular; E) Aluminum Sign Blanks with Rocal, Inc.; F) Building Materials & Supplies with Comanche Lumber Company, Inc.; G) Lease of Office Facilities Agreement with Parks Jones Realty; H) Symbols & Roll Goods with 3M and Rocal, Inc.; I) Laboratory Services - Diazinon with Anachem, Inc.; J) Accidental Death Insurance with AON Consulting; Exhibits: None. Action: Approval of item.
34. Consider approval of Mayor's appointments. Exhibits: Appointment Memorandum.
Commission on Status of Women: Anne Harris, Ward 8, 9/14/99 - 9/14/2001; Ellen John, Ward 3, 9/14/99 - 9/14/2001; Candy Seabrook, County Eastern District, 9/14/99 - 7/28/2000; Yvonne Belanger Johnson, Ward 5, 9/14/99 - 7/28/2000; Sheila Alford, Ward 4, 9/9/99 - 9/9/2001; Building Development Appeal Board: Roger Brown, Architect, 9/14/99 - 9/14/2001; Roy Wicker, General Commercial Contractor, 9/14/99 - 12/9/99; O.L. Anderson, Residential Home Owner, 9/14/99 - 9/14/2001; Lawton Housing Authority: Felix Cruz, 9/14/99 - 10/27/2001; Pension Trust Commission: Andrew L. R. Hill, 2/8/99 - 2/8/2004; Environmental Concerns Committee: Angie Alltizer, Fort Sill Rep., Indefinite Term; Citizens Advisory Committee CIP: Ken Isaac, Ward 8, 9/14/99 - 6/9/2001; Public Library Board: Capt. (Ret.) James Burpo, 5/31/99 - 5/31/2001; Carol Sinnreich, 5/31/99 - 5/31/2001; Georgann Vineyard, 5/31/99 - 5/31/2001
35. Consider approval of payroll for the period of August 23 through September 5 and for September 6 through 19, 1999. Exhibits: None.

Items requested for separate consideration were Items 8, 12, 14, 16 and 18.

MOVED by Shanklin, SECOND by Smith, to approve the Consent Agenda items as recommended with the exception of Items 8, 12, 14, 16 and 18. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Devine. NAY: None. OUT: Williams. MOTION CARRIED.

8. Consider the following damage claims recommended for denial: Winchester C. Bostick; George B. and Andrea S. Grindstaff; and Terressa C. Spencer. Exhibits: Legal Opinions/Recommendations.

Vincent asked that the Spencer claim be stricken to allow them to look into additional information and that the Bostick and Grindstaff claims be denied.

MOVED by Purcell, SECOND by Smith, to deny the claims of Bostick and Grindstaff and strike the claim of Spencer. AYE: Shanklin, Beller, Haywood, Warren, Smith, Devine, Purcell. NAY: None. OUT: Williams. MOTION CARRIED.

12. Consider amending Council Policy 1-1 (Travel). Exhibits: Council Policy 1-1.

Smith asked if the provision allowing directors to take one day out of town trips without approval of the City Manager was staff recommendation. Baker said this was his recommendation; currently directors may have to go to Oklahoma City or Duncan or other places where it is just a day trip and he did not feel they needed the permission of the City Manager to be able to do that. Baker said he receives notice that the director will be out of the office and directors can make that decision as long as the City Manager knows they are gone. Baker said if they are to be gone overnight, he would approve the formal paperwork.

MOVED by Smith, SECOND by Shanklin, to approve Item 12. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

14. Consider a cost-sharing agreement to reconstruct NW Bark Avenue to City standards as proposed by the adjacent property owners. Exhibits: Proposed Agreement.

Bigham said corrections to the agreement were needed; section one needs clarification that this will be under the off site infrastructure procedures in Chapter 21 of the City Code; Item C includes the requirement for construction staking and dedication of the instruments and approval of plans before the scheduled road bed work. Bigham said the City will provide construction inspectors and that will be included in the agreement. He requested approval with the corrections stated.

MOVED by Devine, SECOND by Warren, for approval of the agreement as corrected. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

16. Consider authorizing staff to prepare and solicit Request for Proposals (RFP's) for Contract Inspection Services for the Sewer System Rehabilitation Program. Exhibits: RFP.

Shanklin asked if DEQ was requiring that the City hire this inspector. Ihler said it is the Oklahoma Water Resources Board (OWRB). Shanklin said the information shows this will be required during the short term construction financing but not the long term construction financing and asked what the difference was. Ihler said under the short term construction financing we get a loan as we are doing the construction and at the end of the construction period, we will go back to the OWRB and request a long term loan at a better interest rate and pay it back over a greater period of time, and that is not for the construction but for the actual long term debt payment of what was borrowed.

Shanklin said the information shows this could reduce the projected savings estimated for using the in-house services on the sewer rehab. He asked how much money this would cost. Ihler said we will not know until we receive the proposals, but on the Wastewater Treatment Plant we entered into a contract for outside inspection services and quality control assurances and spent about \$70,000 and that was the low proposal received. (Ihler initially said \$70,000 per month but corrected it to a per year cost.) Shanklin asked why the Wastewater Plant was not inspected by in-house inspectors. Ihler said we had a City inspector as well as someone with the expertise on all of the requirements of renovation of a Wastewater Treatment Plant; we had someone from the City that worked along with the person that managed that project with regard to quality control and quality assurance inspection and related items.

Shanklin said the Airport likes to pay \$46 per hour for an inspector and asked if we would approach that number. Ihler said for the sewer rehab he would hate to say but hoped it would not exceed \$40,000 to \$50,000 per year. Shanklin said that would be the cost involved as far as the projected savings being reduced. Ihler agreed.

MOVED by Shanklin, SECOND by Smith, to approve Item 16.

Baker said he and several staff members went to Frederick this morning for the Oklahoma Water Resources Board meeting and the Board did approve the funding for the City of Lawton for the sewer rehab, \$9.5 or \$9.3 million. He said the Board specifically asked and had to have assurance that we would have an outside, independent inspector on the project.

Beller asked why we needed a third independent inspector if we had a first and second inspector, and just accept the third inspector's findings. Ihler said it is not three inspectors, but a third party, outside of City employment.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

18. Consider approving an agreement with the Lawton Heritage Association, Inc. in the amount of \$17,508.00 for the repair and replacement of a portion of the roof of the Mattie Beal Home. Exhibits: Agreement with Lawton Heritage Association, Inc.; Letter of 8/29/99 from Lawton Heritage Association, Inc.

Purcell said information was published that the cost of this would be \$417,508 to repair the roof. He said that was apparently a typographical error and the expense is \$17,508.

MOVED by Shanklin, SECOND by Purcell, to approve Item 18. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin said he had a couple of colleagues he thought were running for central district commissioner some time next year

and he kept being brought up and people kept telling him that they heard he moved across the street so he could run and he said he did not live in the central district. Shanklin said for the two who continue to tell people that he moved across the street so he could run for central district county commissioner, that is a falsehood, he is not in the zone or district and could not run if he wanted to and he did not want to be a candidate. Beller said he took Shanklin the map and he is absolutely right, he is not in that district.

Purcell asked when something would be done as far as Council as a whole getting with the staff and bringing back something for drainage. Shanklin said two engineers were hired for it and asked what they were working on. Baker said Mr. Tucker has been directed to do a survey of at least ten other cities, mainly in Oklahoma, and maybe Amarillo, Texas and Wichita, Kansas; survey is to be completed by October 1. Baker said there may be a very good program out there that we could use, and the subject will be pursued after the survey is complete.

Beller said he would like Council to consider reading Council policies and he had been vocal about staff telling people certain things when they come in to apply for permits. He said the Council policy on outside water sales says specifically that the City cannot sell water outside the City limits unless it is annexed, and then exclusions are made, but when people come in and get told that Council policy says such and such then it puts staff in an untenable situation because of the contents of the Council policy. Beller suggested changing those portions of the policies where Council makes waivers on a rather regular basis, and in particular on the outside water sales. Baker said that Council policy would be presented to Council at the next meeting for consideration; routinely Council Policy 5-2 has been waived so that is an indication that Council does not necessarily agree with the policy. Shanklin said when a new Council is seated, they should vote on whether they agree with the policies that are in place.

Williams said a picture was on display in the Council Chambers of a major exhibit that was about to open at the Museum of the Great Plains. The exhibit is T-Rex, The King of the Dinosaurs, and it begins September 18 and runs through January 2002; it is a major interactive display and well worth seeing for children and grown ups as well.

Smith said the United Way drive was completed and a record was set for donations by the employees. He said he was very grateful to everyone who helped, especially the committee members. Smith said the total pledges came to \$33,700 by the employees and that he did not know what percentage of participation that indicated but it was a good amount.

Mayor Powell said he wanted to publicly apologize to Anthony Cominos who had called earlier in the week requesting to speak tonight. He said he overlooked that during some of the discussion and that he would apologize and call him in the morning.

BUSINESS ITEMS:

36. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the various pending civil suits between Steve Wilson and The City of Lawton in the District Court of Comanche County, and take appropriate action in open session.

37. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss approving an amendment to the Employment Agreement between the City and Brenda M. Smith, City Clerk and take appropriate action in open session. Exhibits: None.

38. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss approving an amendment to the Employment Agreement between the City and John H. Vincent, City Attorney and take appropriate action in open session. Exhibits: None.

Addendum Item 2: Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an employment agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Warren, to convene in executive session to consider the items shown on the agenda and recommended by the legal staff. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:00 p.m. and reconvened in regular, open session at approximately 9:20 p.m. with roll call reflecting all members present.

Mayor Powell asked for a report on Addendum Item 2. Vincent said no action is required on the addendum on the International Association of Firefighters Association.

Mayor Powell asked for a report on Item 36. Vincent said this was a discussion of the civil lawsuits and so forth involving the City of Lawton and Steve Wilson. He requested a motion to appoint a Council representative to the settlement conference tomorrow at 10 a.m.

MOVED by Williams, SECOND by Haywood, to nominate Council Member Smith in that capacity. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

Mayor Powell called for Item 37 and Vincent said this is a discussion concerning a proposed amendment to the contract of Brenda M. Smith, City Clerk.

MOVED by Devine, SECOND by Williams, to approve a 5% raise effective December 13, 1999. AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

Mayor Powell called for Item 38 and Vincent said this is a discussion concerning a proposed amendment to the contract of John H. Vincent, City Attorney.

MOVED by Devine, SECOND by Haywood, to approve a 5% raise effective December 13, 1999. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

Mayor Powell said information had been distributed with regard to the election asking Council members how they would like to participate. He encouraged each member to think about the things that have been done and said tonight and to come together as one body for the benefit of all.

Adjourned at approximately 9:20 p.m.